

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PETRÓLEOS DE VENEZUELA, S.A., PDVSA
PETRÓLEO, S.A., and PDV HOLDING, INC.,

Plaintiffs and Counterclaim Defendants,

- against -

MUFG UNION BANK, N.A. and GLAS
AMERICAS LLC,

Defendants and Counterclaim Plaintiffs.

No. 19 Civ. 10023 (KPF)

MEMO ENDORSED

**[PROPOSED] AMENDMENT TO STIPULATED CONFIDENTIALITY
AGREEMENT AND PROTECTIVE ORDER**

WHEREAS, Plaintiffs and Counterclaim Defendants Petróleos De Venezuela, S.A., PDVSA Petróleo, S.A., and PDV Holding, Inc. and Defendants and Counterclaim Plaintiffs MUFG Union Bank, N.A. (the “Trustee”) and GLAS Americas LLC (the “Collateral Agent”; collectively, the “Parties”) entered into a Stipulated Confidentiality Agreement and Protective Order (“Protective Order”), which was so-ordered by this Court on February 10, 2020 (ECF No. 53);

WHEREAS, the Protective Order provides for amendment by agreement of the parties and further order of the Court as necessary to allow for the continued protection and use of information subject to any applicable privileges or protections; and

WHEREAS, the Parties, through counsel, wish to amend the Protective Order to protect confidential information that may be disclosed in connection with the Trustee and Collateral Agent’s motion for entry of a judgment and for fees and expenses (the “Fee Application”);

IT IS HEREBY STIPULATED AND AGREED that all materials filed or served in connection with the Fee Application (including any further submissions in opposition or in support) shall be deemed “Discovery Materials” for all purposes under the Protective Order. Accordingly, and without limiting the foregoing, such materials may be designated Confidential or Attorneys’ Eyes Only in accordance with the Protective Order.

Dated: New York, New York
November 23, 2020

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Attorneys for Defendants and Counterclaim Plaintiffs MUFG Union Bank, N.A. and GLAS Americas LLC, in their respective capacities as Trustee and Collateral Agent, under the Indenture dated October 27, 2016, and the Pledge and Security Agreement dated October 28, 2016, governing PDVSA’s Senior Secured Notes due 2020

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SO ORDERED:



KATHERINE POLK FAILLA
United States District Judge

Dated: New York, New York

November 24, 2020

The Court's Opinion and Order of October 16, 2020, obligated Defendants to file a motion for fees and expenses and a proposed judgment within 45 days. (Dkt. #215). Since then, Plaintiffs have filed a notice of appeal with the Second Circuit. (Dkt. #217). The Court still requires a proposed judgment on or before November 30, 2020, but now questions the utility of a fee petition during the pendency of Plaintiffs' appeal. Accordingly, the Court directs the parties to meet and confer on the issue of whether the fee petition can and should be deferred pending the resolution of Plaintiffs' appeal, and to submit a joint letter to the Court on that issue on or before November 30, 2020.